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CHARLES ELMORE CROPLEY

SUPREME COURT OF THE UNITED STATES

**OCTOBER TERM, 1951**

# No. 421-422

DEAN ACHESON, as Secretary of State,
*Appellant,*
*vs.*
KIYOKURA OKIMURA

DEAN ACHESON, as Secretary of State,
*Appellant,*
*vs.*
HISAO MURATA

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

## APPELLEES' REPLY MEMORANDUM TO MEMORANDUM FOR APPELLANT IN OPPOSITION TO APPELLEES' MOTIONS TO DISMISS OR AFFIRM.

We dissent from the suggestion made by the Solicitor General in the Memorandum for Appellant in Opposition to Appellees' Motions to Dismiss or Affirm:

> "Since the sole ground of the decision below is clearly erroneous, we reiterate our suggestion that the judgments be reversed without further argument. . . ."

We respectfuly suggest that so important a question in the administration and enforcement of the United States Nationality Act, and its various provisions, 8 U. S. Code, Section 801, subdivisions a to j, warrants consideration by this Court, prior to judgment, a consideration which will be adequate only after thorough briefing and full oral argument of the issue.

The same issue is now directly before this Court in *Kuniyuki* v. *Acheson*, No. 492, this term, and, indirectly, in *Kawakita* v. *United States*, No. 220, Misc., this term.

Counsel for the Appellees herein are also counsel for the Petitioners in both *Kuniyuki* and *Kawakita*.

It would be appropriate, accordingly, that in the event this Court notes probable jurisdiction herein, and grants certiorari in either *Kuniyuki* or *Kawakita*, that the cases follow each other on oral argument.

In view of the fact that counsel for the Appellees herein are also counsel for the Petitioners in *Kuniyuki* and *Kawakita*, and the Appellant herein and the Respondents in *Kuniyuki* and *Kawakita* cases will all be represented by the Solicitor General, this Court may expect the avoidance of duplication of presentation both in the brief and oral argument, upon the issue as to the Constitutionality of the provisions of the Nationality Act (8 U. S. C., Sections 801(c) and (e)) held invalid in the Trial Court below.

Respectfully submitted,

A. L. Wirin & Fred Okrand.